

REMARKS

STATUS OF THE CLAIMS

Claims 15-28 were pending.

Claims 15-28 were rejected.

By this response, please **amend claims 15, 16, 17, 18** and please **cancel claims 19-28**.

Claim Objections

Claims 15, 17, 19, 21-26 were objected to because of various informalities.

Claims 15 and 17 have been amended as suggested by the Examiner. Claims 19-28 have been canceled.

Claim Rejections

Claims 17, 18 were rejected under 35USC112, first paragraph, as failing to comply with the written description requirement. Claim 17 has been amended to include “the trailing edge being disposed adjacent to the head surface such that the tape passes over the trailing edge after passing over the head surface” rather than the “the trailing edge being disposed adjacent to the head surface such that the tape passes over the trailing edge prior to passing over the head surface, thereby satisfying the written description requirement.

Claims 15-18 were rejected under the judicially created doctrine of double patenting over claims 14-17 of US Patent No. 6,018,444. A terminal disclaimer has been included with this response that fully complies with 37CFR3.73(b).

Claims 15, 16 were rejected under 35USC103(a) as being unpatentable over Joannou (US Patent #4,996,609).

The Examiner gave official notice that "it is well known in the art that there is always an air-bearing surface between the head surface and the tape" and that "One of ordinary skill in the art would have expected an air-bearing surface between the head surface and the tape in Joannou's devices."

Applicants respectfully disagree. While it may be well known in the art that in normal operation an air bearing always exists between a head surface and a rotating rigid disk, the existence of an air bearing always being present between a head surface and a flexible linear tape is not mandated. An air bearing must exist between a head surface and a rotating disk, otherwise the rigid read/write will drag upon the rigid disk and render the system unusable. If an air bearing suddenly ceases to exist the head of a disk drive will "crash" onto the disk surface, causing major damage to both the disk and the head. This situation, however, does not apply a head surface and a tape. Tape heads can be operated in contact with the flexible medium, at the expense of head wear, since the tape is abrasive to the head. The Examiner has not provided any references to support the official notice.

Amended claim 15 includes a head structure including the following features:

first and second ferrite structures;

a non-magnetic material between the first and second ferrite structures to form a spacer, and thereby produce a ferrite-nonmagnetic-ferrite arrangement; and

a layer of magnetic material having at least one magnetic gap supported over the non-magnetic material to form the magnetic pattern for writing a portion of a servo pattern to the tape.

The head structure of the claimed invention is different than the head of Joannou for the following reasons:

1. Joannou does not include a non-magnetic material forming a spacer. Figure 3 of Joannou clearly shows a gap that is an air gap (that is, the absence of solid material), not a spacer formed from non-magnetic material.

2. Joannou does not provide a spacer formed from a non-magnetic material, and therefore, does not provide a magnetic material having at least one magnetic gap supported over the non-magnetic material. The air gap (that is, the absence of solid material), can not support another material. Structurally, the gap of the claim 15 within the magnetic material over the non-magnetic material is very different from the air gap of Joannou.

Amended claim 15 is patentable over the cited prior art.

Claims 16-18 are directly or indirectly dependent on claim 15. Therefore, claims 16-18 are patentable over the cited prior art.

Amended claim 16 includes that following features:

a radius of the leading edge spanning an angle having a magnitude of between 5-15 degrees.

The amendments to claim 16 are supported by Figure 7, and in the specification on page 10, line 26 to page 11, line 11. None of the cited references teach the features provided by amended claim 16.

Amended claim 18 includes that following features:

a radius of the trailing edge spanning an angle having a magnitude of between 5-15 degrees.

No new matter has been added by the amendments.

CONCLUSION

For the reasons given above, and after careful review of all the cited references, Applicant respectfully submits that none of the cited references, nor any combination of the cited references, will result in, teach or suggest Applicant's Claimed invention. But even if any such combination might arguably result in such Claimed invention, it is submitted that such combination would be non-obvious and patentable.

In view of the above Amendments and Remarks, Applicant has addressed all issues raised in the Office Action dated 1 November 2005, and respectfully solicits a Notice of Allowance for Claims 15-18. Should any issues remain, the Examiner is encouraged to telephone the undersigned attorney.

It is believed that all of the pending Claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending Claims (or other Claims) that have not been expressed. Finally nothing in this paper should be construed as an intent to concede any issue with regard to any Claim, except as specifically stated in this paper, and the amendment of any Claim does not necessarily signify concession of unpatentability of the Claim prior to its amendment.

Applicant believes that no fees are currently due; however, should any fee be deemed necessary in connection with this Amendment and Response, the Commissioner is authorized to charge deposit account 08-2025, referencing the Attorney docket number 10970996-7.

Respectfully submitted
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